

## **REMARKS/ARGUMENTS**

Claims 1, 18–21, 24–30, and 34–36 are pending in the application, with Claim 1 being an independent claim. Claims 2–17 and 22–23 were previously canceled, and Claims 31–33 were previously withdrawn. Claims 1, 18, 21, 24–30, and 34–35 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,118,426 to Albert et al. (hereinafter “Albert”) in view of U.S. Patent No. 6,950,023 to Martin. Furthermore, Claims 19–20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Albert modified by Martin further in view of U.S. Patent No. 6,437,985 to Blanc et al. (hereinafter “Blanc”), and Claim 36 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Albert modified by Martin further in view of U.S. Patent No. 6,427,065 to Suga et al. (hereinafter “Suga”).

Applicant disagrees with each of these rejections and respectfully requests reconsideration of each of the claims in view of the following remarks.

### **Summary of Claim Amendments**

Claim 1 has been amended to recite “wherein the display comprises metal disposed between the first antenna head and the second antenna head such that the first antenna head, the second antenna head, and the display are capable of acting as a capacitor.” In addition, Claims 34–35 have been canceled, and Claim 36 has been amended to depend from Claim 1.

### **Independent Claim 1 is Patentable**

Claim 1, as amended herein, recites “an electronic label comprising a housing having at least one wall, a display disposed along the wall, and an antenna layer extending along the wall in such a manner as to constitute a stack with the wall.” The antenna layer comprises “at least a first antenna head and at least a second antenna head spaced from the first antenna head such that an area, through which the electronic display is viewable, is at least partially defined in the antenna layer between the first and second antenna heads.” Furthermore, “the display comprises metal disposed between the first antenna head and the second antenna head such that the first

antenna head, the second antenna head, and the display are capable of acting as a capacitor.”  
Claims 18–21, 24–30, and 36 depend from Claim 1.

None of the cited references, either alone or in combination, teaches or suggests the elements of amended Claim 1. In particular, Albert is directed to an electronically addressable display that can be used as an indicator by changing the state of the display under certain conditions. In some embodiments, the system includes one or more antennae to improve the level of signal reception. Albert, col. 14, lines 18–19. In these embodiments, the display system further includes an energy storage device 320 in communication with a passive rectifier 310. Fig. 6A; col. 14, lines 19–21. “The energy storage device 320 can be a capacitor, a battery, or any other electrical or non-electrical energy storage device known in the art of energy storage.” Col. 14, lines 21–24.

Albert does not teach a label in which “the first antenna head, the second antenna head, and the display are capable of acting as a capacitor,” as recited in Claim 1. Figure 6A of Albert shows the energy storage device 320 communicating with an energy level detector 330, which in turn communicates with a main controller 340, which communicates with a display 350. Thus, in Albert, the display is separate and distinct from the energy storage device. Furthermore, one skilled in the art would not be inclined to modify Albert by incorporating the display into the capacitor because Albert already provides for a separate capacitor.

Likewise, Martin does not teach or suggest the elements of amended Claim 1. Martin is directed to a contact-free electronic label that can be secured to a conductive material. The label includes a planar winding 42 and two conductive pads 46, 48 that are each connected to one end of the winding. Martin, Fig. 5; col. 3, lines 46–50. The planar winding 42 and pads 46, 48 are on a side 40 of a support 22, opposite a side 30 of the support 22 on which ends 24, 26 of an antenna winding 16 are disposed. Figs. 3–4; col. 3, lines 36–46. An adhesive insulating layer 52 may then be disposed on the side 40 of the support 22 and is used to apply the label to the conductive wall 60 of a product. Col. 3, lines 56–62. In this way, the conductive pads 46, 48, the insulating adhesive layer 52, and the conductive wall 60 together form two capacitors 56, 58 that each cooperates with the planar winding 42 to form a tuned circuit 66. Fig. 5; col. 4, lines

5-11. Martin does not disclose a display at all, let alone a display that forms a capacitor in cooperation with two antenna heads.

Nor do Blanc or Suga teach or suggest a display, a first antenna head, and a second antenna head that are capable of acting as a capacitor. Blanc describes layered devices having antenna structures. Suga discloses an IC card system that is able to supply stable power by radio to the internal circuit of the IC card such that the temperature rise in the variable impedance circuit of the card is reduced. No electronic display is described in Blanc or Suga. Moreover, each of these references teaches away from introducing a display that, along with two antenna heads, would act as a capacitor. For example, Blanc describes an embodiment in which “the device advantageously includes a capacitor not in the form of plates on each side of the film, but integrated in the chip. This provides freedom from parameter variations of the capacitor linked with variations in the thickness of the film and from operations of adjusting the antenna, which are often tedious.” Blanc, col. 8, lines 34-39. Similarly, Suga teaches that, due to the structure of the coil 26, “a tuning capacitor 25 may not be needed or an extremely small one will do the work.” Suga, Fig. 2; col. 9, lines 3-8 (emphasis added).

Therefore, none of the cited references (Albert, Martin, Blanc, or Suga) teaches or suggests a display comprising metal “disposed between the first antenna head and the second antenna head such that the first antenna head, the second antenna head, and the display are capable of acting as a capacitor.” Claim 1 is therefore patentable over the cited references, alone or in combination. Claims 18-21, 24-30, and 36 depend from Claim 1 and are therefore also patentable for at least the reasons discussed above.

### CONCLUSION

In view of the remarks and amendments presented above, it is respectfully submitted that Claim 1 and all the claims depending therefrom (*i.e.*, Claims 18-21, 24-30, and 36) are in condition for allowance. It is respectfully requested that a Notice of Allowance be issued in due course. The Examiner is requested to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

The patentability of the independent claims and some of the dependent claims has been argued as set forth above and thus Applicant will not take this opportunity to argue the merits of the rejection with regard to all of the dependent claims. However, Applicant does not concede that the dependent claims are not independently patentable and reserves the right to argue the patentability of the dependent claims at a later date if necessary.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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